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OFFICE OF PETITIONS

In re Application of :
Kavak et al. :
Application No. 10/078,277 : LETTER REGARDING
Filed: February 19, 2002 : PATENT TERM ADJUSTMENT
Atty Docket No. SAMS01-00171 :

This letter is in response to the "GOOD FAITH AND CANDOR LETTER REGARDING PATENT TERM ADJUSTMENT," filed April 8, 2008. Pursuant to applicant's duty of good faith and candor to the Office, applicant requests review of the patent term adjustment to date.

The request for correction of the initial determination of patent term adjustment (PTA) is **DISMISSED**.

On November 16, 2007, the Office mailed the Determination of Patent Term Adjustment under 35 USC 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is eleven hundred three (1103) days. Applicants disclose that the patent term adjustment should be one thousand seventy (1070) days.

The Office initially determined a patent term adjustment eleven hundred three (1103) days based on an adjustment for PTO delay of one thousand sixty-nine (1069) days, pursuant to 35 USC 154(b) and 37 CFR 1.703(a)(1), and forty-three (43) days pursuant to 35 USC 154(b) and 37 CFR 1.703(a)(2), reduced by nine (9) (3+6) days of applicant delay pursuant to 37 CFR 1.704(b).

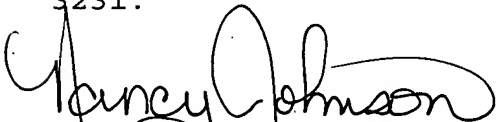
A review of the record reveals that the patent term adjustment of record is correct. Subsequent to the mailing of the Advisory

Action, the amendment after final filed June 4, 2007 was determined to place the application in condition for allowance. Accordingly, the date of filing of the amendment was properly used in calculating applicant delay pursuant to 37 CFR 1.704(b) and Office delay pursuant to 37 CFR 1.702(a)(2). The Office correctly entered these periods as 0 days and 43 days respectively.

As this letter was submitted as an advisement to the Office of an error in Applicant's favor, the Office will not assess the \$200.00 fee under 37 CFR 1.18(e). The Office thanks applicant for their good faith and candor in bringing this to the attention of the Office.

The application is being forwarded to the Office of Data Management for issuance of a patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this matter should be directed to Douglas I. Wood, Senior Petitions Attorney, at (571) 272-3231.

A handwritten signature in black ink, appearing to read "Nancy Johnson", with a large, stylized loop at the end.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions